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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSCAR ARMANDO ORELLANA
GUEVARA, AKA, "CUCHE",

Defendant.

Case No: 21-CR-00051-ADA-BAM

STIPULATION TO: (1) CONTINUE TRIAL UNTIL
March 26, 2024, (2) SET HEARING ON PRETRIAL
MOTIONS on February 19, 2024; AND (3) SET
BRIEFING SCHEDULE; ORDER

Hon. Ana de Alba

STIPULATION

THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United States Attorney, Justin J. Gilio, on behalf of the government, and Michael Berdinella, Esq., on behalf of defendant Oscar Orellana Guevara ("Guevara"), as follows:

1. This action's trial is set to commence on Monday, November 7, 2023, at 8:30 a.m., and a trial confirmation hearing is set for October 10, 2023 at 8:30 a.m.
2. The defendant moves to vacate the trial confirmation hearing and continue the trial to Tuesday, March 26, 2024. The government does not object to this continuance.

1 3. The parties also seek to set a pretrial motions and trial confirmation hearing for
2 Monday, February 20, 2024, or as soon thereafter as the court can accommodate
3 such a hearing.

4 4. The parties also agree to the following briefing schedule in advance of the
5 hearing;

- 6 a. Motions filing deadline – January 15, 2024;
7 b. Opposition briefs filing deadline – January 29, 2024;
8 c. Reply briefs filing deadline, if any – February 5, 2024.

9 The parties base this stipulation on good cause and therefore ask the court to endorse this
10 stipulation by way of formal order. Specifically,

11 5. Counsel for the parties have contacted key witnesses regarding trial availability,
12 discussed the need to present certain pretrial motions with the court, and confirmed a workable pretrial
13 schedule and trial date. In addition, the defense has recently requested an opportunity to review certain
14 digital evidence in person, and the parties are in the process of coordinating that review. Moreover,
15 discovery in this case is voluminous and includes an additional batch of supplemental discovery,
16 including over 20 GB of data, produced to defense counsel on July 24, 2023. The parties request the
17 additional time to conduct further preparation and investigation as well as to prepare witnesses, and
18 search for and produce potential supplemental discovery.

19 6. Counsel for defendant believes that setting a trial date on March 26, 2024, is necessary to
20 provide the defense with reasonable time necessary for effective preparation, taking into account the
21 exercise of due diligence, including researching and drafting necessary pretrial motions, reviewing
22 discovery, and meeting with witnesses.

23 7. The parties stipulate that the period of time from November 7, 2023, through March 26,
24 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv)
25 because it results from a continuance granted by the Court at the parties' request on the basis of the
26 Court's finding that the ends of justice served by taking such action outweigh the best interest of the
27 public and the defendant in a speedy trial. Further, the parties stipulate that the period of time from
28 January 15, 2024 through February 19, 2024, is also deemed excludable because it results from "any

pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion” pursuant to 18 U.S.C. § 3161(h)(1)(D).

IT IS SO STIPULATED.

Dated: August 1, 2023

PHILLIP A. TALBERT
United States Attorney

By: /s/ Justin J. Gilio
JUSTIN J. GILIO
Assistant United States Attorney

Dated: August 1, 2023

By: /s/ Michael Berdinella
MICHAEL BERDINELLA
Attorney for Defendant
OSCAR ORELLANA GUEVARA

ORDER


IT IS ORDERED that:

1. this action's trial be continued to Tuesday, March 26, 2024;
2. a hearing on pretrial motions and trial confirmation be set for Monday, February 20, 2024, or as soon thereafter as the court can accommodate such a hearing; and
3. the parties adhere to the following briefing schedule in advance of the hearing;
 - a. Motions filing deadline – January 15, 2024;
 - b. Opposition briefs filing deadline – January 29, 2024;
 - c. Reply briefs filing deadline, if any – February 5, 2024.

IT IS FURTHER ORDERED THAT the period of time from November 7, 2023, through March 26, 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. Further, the period of time from January 15, 2024, through February 19, 2024, is deemed excludable because it results from "any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion" pursuant to 18 U.S.C. § 3161(h)(1)(D).

IT IS SO ORDERED.

Dated: August 4, 2023


UNITED STATES DISTRICT JUDGE